

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JACK MARRONE, husband, KAREN
MARRONE, wife, both individually and
in their capacity as parents and guardians
for VIDA MARRONE, a minor, and
MATTHEW ADAM MARRONE,

Plaintiffs

vs.

Civil Action No.: 1:CV-01-0773

(U.S. District Judge Yvette Kane)

ALLSTATE INSURANCE COMPANY,
LINDA M. EDLEMAN, FRED SCHAFER,
MT. GRETNA REALTY, and HOUSE
MASTERS

JURY TRIAL DEMANDED

STATE OF PENNSYLVANIA)
COUNTY OF ALLEGHENY)ss

FILED
HARRISBURG, PA

NOV 25 2002

CLERK

AFFIDAVIT OF TOM MOORE

BEFORE ME, the undersigned authority, a Notary Public in and for the County and State
aforesaid, personally appeared Tom Moore, known to me (or satisfactorily proven) to be the
person whose name is subscribed, and having been duly sworn, deposes and states under oath as
follows:

1. I am above the age of 18, of sound mind and capable of executing this Affidavit.
2. My curriculum vitae establishing my competency as an expert is attached as
exhibit 1.
3. The facts and opinions contained in my report and supporting documentation
attached to my report are based on my personal knowledge and experience and are attached as

exhibit 2.

4. Attachment 4 to my report, photographs of the lower level of the Marrone home immediately after the mold infestation, is attached as exhibit 3.

5. Attachment 7 to my report, photographs of the Marrone home as it was at the time of the inspection I conducted on August 12, 2002, is attached as exhibit 4.

6. I relied upon the opinions of Robert Pfromm, CIH of Advanced Applied Sciences as I stated within the reference page of my report.

11-6-02
DATE

Tom Moore
Tom Moore

SWORN TO and SUBSCRIBED TO

before me this 6th day

of November, 2002.

[Signature]
(Notary)
[Notary Seal]

Exhibit 1

Tom Moore
Multi-Spec
421 Redgate Road
Sewickley, PA 15143
(412) 741-3256

**HIGHLIGHTS OF
QUALIFICATIONS**

- * Certified Pest Control Operator in PA
- * Qualified through EPA for Radon Testing
- * Certified by Building Officials and Code Administrators (BOCA) to perform one and two family dwelling and combination commercial inspections

**EMPLOYMENT
HISTORY**

May 1990 to
Present

Multi-Spec, Sewickley, PA
Business Owner, Home Inspection & Pest Control
Founded residential home inspection business, including radon, water quality, well-flow, and septic dye testing, as well as termite inspection and pest control
Responsible for determining general repair costs

Feb. 1982 to
Mar. 1990

Trapp Construction, Sewickley, PA
Construction Crew Leader
Oversaw construction crews in new home construction and remodeling

Dec. 1972 to
Dec. 1981

Bravo Corporation, Neville Island, PA
Fitting and Welding Foreman
Supervised fitting and welding crew of twenty men in the construction of barges and towboats

EDUCATION

Property Inspector's Training Institute
Fort Washington, MD
Certificate in Property Inspection, May 1990
Intensive training in all areas of home inspection

Community College of Allegheny County
Pittsburgh, PA
Certificate in Heating/Air Conditioning, May 1983
GPA: 3.2

Alliance College, Cambridge Springs, PA
1 credits in Liberal Arts, May 1970

**PROFESSIONAL
ORGANIZATIONS**

Member, American Society of Home Inspectors (ASHI)
Member, Building Officials and Code Administrators (BOCA)

REFERENCES

References available upon request

Exhibit 2

Multi-Spec

Home Inspection Services

421 Redgate Rd. Sewickley, Pa. 15143

Fax (412) 741-5465

Bus. (412) 749-0626

INSPECTION REPORT 8-12-02

Prepared for:

*Gianni Floro
Tarasi, Tarasi & Fishman, P.C.
510 Third Avenue
Pittsburgh, PA 15219-2191*

Prepared by:

*Tom Moore
8-31-02*

Purpose of the Report

An inspection was done on August 12, 2002 at a residential property at 354 Timber Road, Mt. Gretna, PA. The purpose of the inspection was to examine the house for moisture and water problems that possibly may have contributed to a mold and mildew condition resulting in the occupants having to move out of the house.

Current Conditions

Weather was clear, temperature in the 80's. Electric was off and could not operate the water since the source was a well and power is needed to operate the pump.

Observations and Findings

The house is a single story ranch style house with a full basement and integral garage underneath. The exterior and grounds inspection found some low areas and negative slope at the front and sides. (photos 5,7,8,9,10) The ground should be graded to slope away from the house so surface water is diverted. The gutters were found to have leaves and debris in them and they need to be cleaned out. The front center downspout had black corrugated piping attached to it to carry the discharge water around the side and to the rear of the house. (photo 4) The driveway slopes toward the garage and has inadequate drainage in front of the door. (photo 15,16) There was evidence of water entering under the garage door and path way into the garage. (photo 29) Proper drainage needs to be installed to handle all rain conditions. The right rear downspout was smashed almost closed and needs to be repaired.

The house is currently vacant and has been for approximately 2 years.

The first floor of the house had no evidence of mold or mildew growth.

The basement had remnants of a drywall ceiling that had been removed and the fiberglass insulation is still in place. (photo 26) The front wall of the basement had 2" x 4" studs and fiberglass insulation in place from the left front corner to approximately the middle of the front wall. Between the insulation and the block foundation was a layer of black roofing paper. The wall studs at the center of the front wall had areas of rot. Some studs were rotted significantly on the vertical areas indicating a wetting and drying scenario over a period of time. (photo 48) The bottom wall plate was black and moisture saturated. This condition was on the back half of the base plate, the front half looked normal. The bottom was not rotted since the wood appears to stay wet or saturated. (photo 47,48) The rear basement wall and right end partition wall still had paneling on it, which was warped due to dampness and humidity. (photo 37,38,39) The worst warpage was at the right rear corner of the finished area. There was evidence of small pipe leaks at the copper water line joints in the ceiling. (photo 43,44,45,46,52) There was also evidence of condensation and sweating of the copper water lines which had been above the drywall and under the ceiling insulation. The indications were dark staining of the insulation above the pipes and rusting pipe supports. (photo 45,46) The areas affected appeared to increase in the amount of the rust and staining as you move

toward the center of the area at the right rear corner of the finished area. (photo 37) There has been references of a hot tub being located at one time in this area. The storage area of the basement at the right end (photo 40, 41, 42) had current mold and mildew on the walls and paneling and efflorescence on the block indicating moisture migration through the block from the outside.

Conclusions

The finishing of the basement was incorrectly done. The vapor barrier (felt paper) was applied to the block wall. The correct method would have been to have the vapor barrier between the interior finished wall (drywall or paneling) and the insulation so that warm, moist air is stopped before entering the wall cavity. In this house, the warm, moist air was condensing on the felt paper and then running down the wall. Also, any exterior surface water migrating through the wall was also stopped by the felt paper and would run down to the bottom of the wall which would account for the saturated condition of the bottom wall plate. The presence of a hot tub in a basement without proper ventilation and dehumidifiers would contribute to humidity and temperature conditions needed for mold and mildew growth. Finally, there is evidence of leakage at the water pipes above the basement ceiling which would also have contributed to mold and mildew growth. Mold and mildew need moisture, warm temperatures, and a food source on which to grow. In this basement, the moisture was readily available from any number of sources outside surface water leaking through the foundation walls; leaking water supply pipes, and the use of a hot tub indoors. The food source was the framing, drywall, and paneling. These conditions from the photographs I examined existed at the time the photographs were taken. All my opinions are based upon a reasonable degree of home inspection certainty.

Tom Moore

Multi-Spec

Home Inspection Services

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Jack Marrone, husband, Karen Marrone, wife both individually and in their capacity as parents and natural guardians for Vida Marrone, a minor, and Matthew Adam Marrone v. Allstate Insurance Company, Linda M. Edleman, Fred Shafer, Mt. Gretna Realty and House Masters.

REFERENCES:

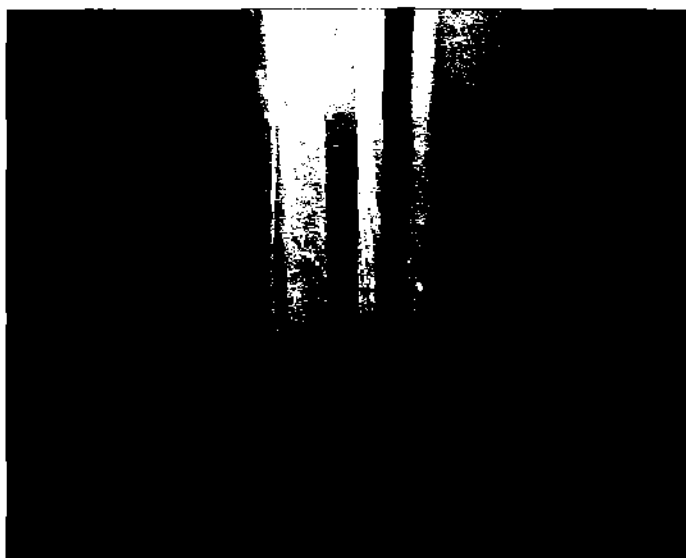
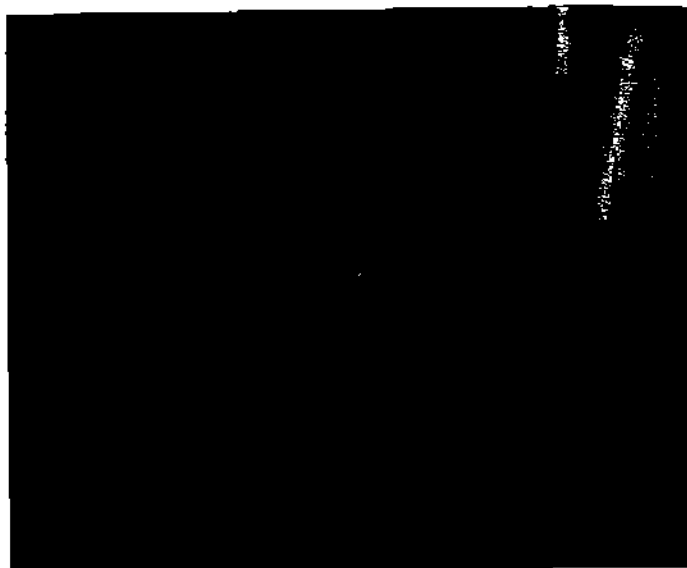
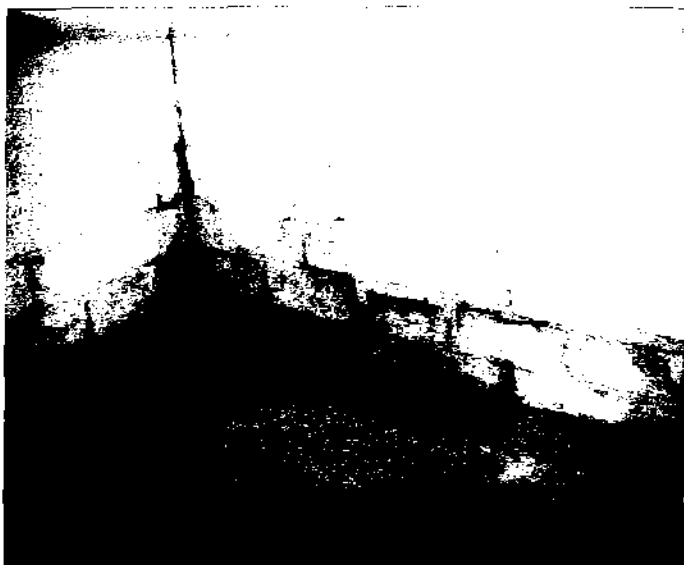
- 1) *A copy of the Amended Complaint in Civil Action;*
- 2) *a copy of the Housemaster Express Report;*
- 3) *a copy of the Advanced Applied Sciences Report;*
- 4) *a copy of the photographs of the Marrone's House (Lower Level) after the mold infestation took place;*
- 5) *a copy of the Seller's Disclosure Statement;*
- 6) *a copy of the video tape deposition of Chuck Berthoud, the Housemaster home inspector;*
- 7) *relevant portions of the materials that were attached to the home inspection report.*

Exhibit 3

Copy of Photographs
After Mold Discovered in Marrone House
in 2000







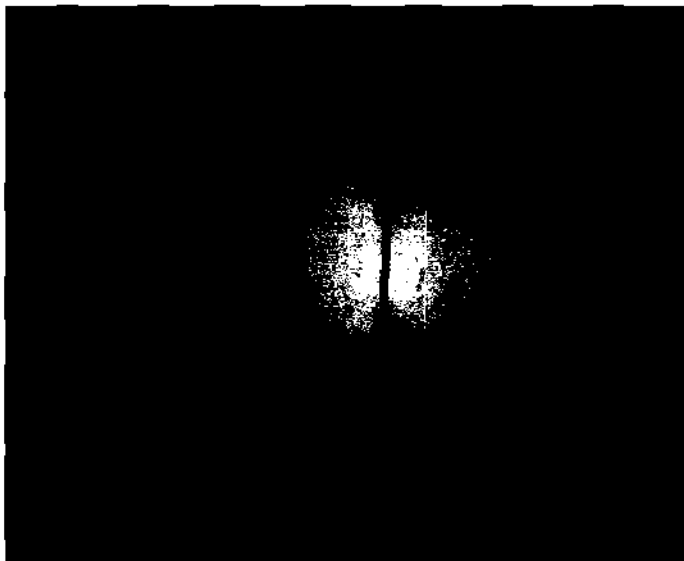


Exhibit 4

Copy of Photographs
After Mold Discovered in Marrone House
on August 12, 2002



Photo # 1:



Photo # 2:



Photo # 3:



Photo # 4:

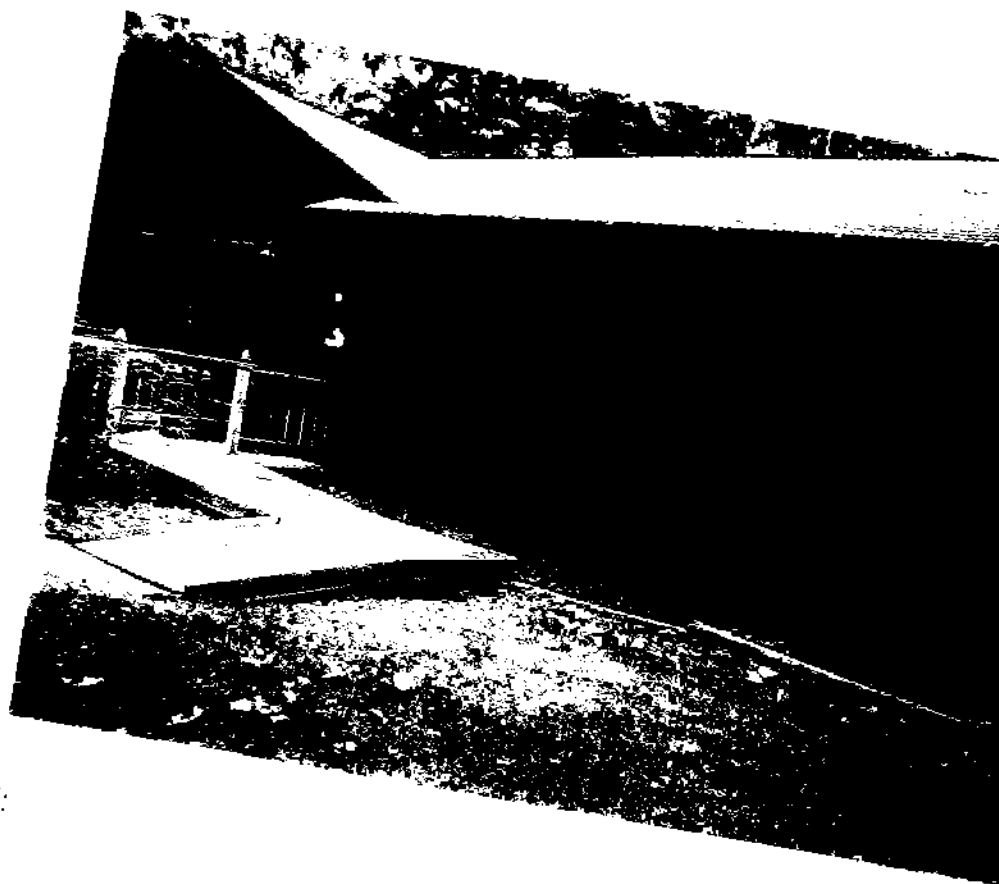


Photo # 5:

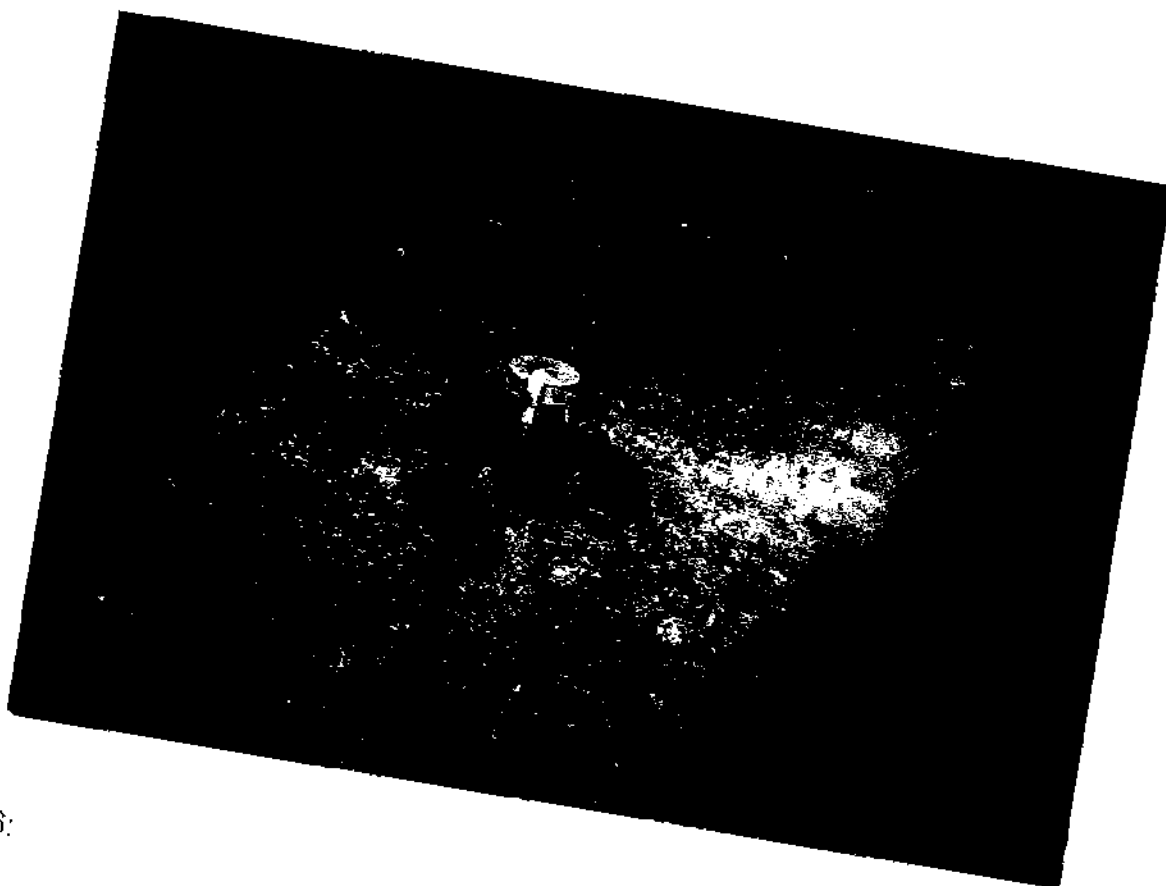


Photo # 6:



Photo # 7:

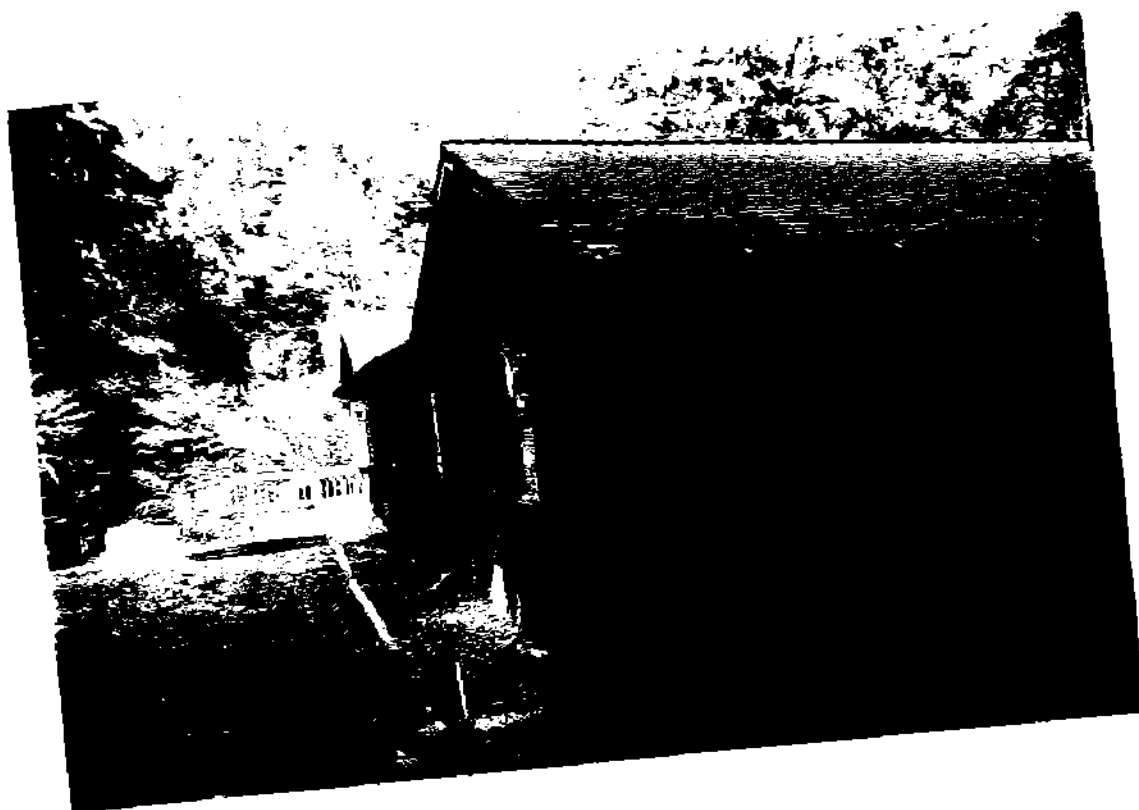


Photo # 8:



Photo # 9:



Photo # 10:



Photo # 11



Photo # 12:



Photo # 13:



Photo # 14:



Photo # 15:



Photo # 16:



Photo # 17:



Photo # 18:

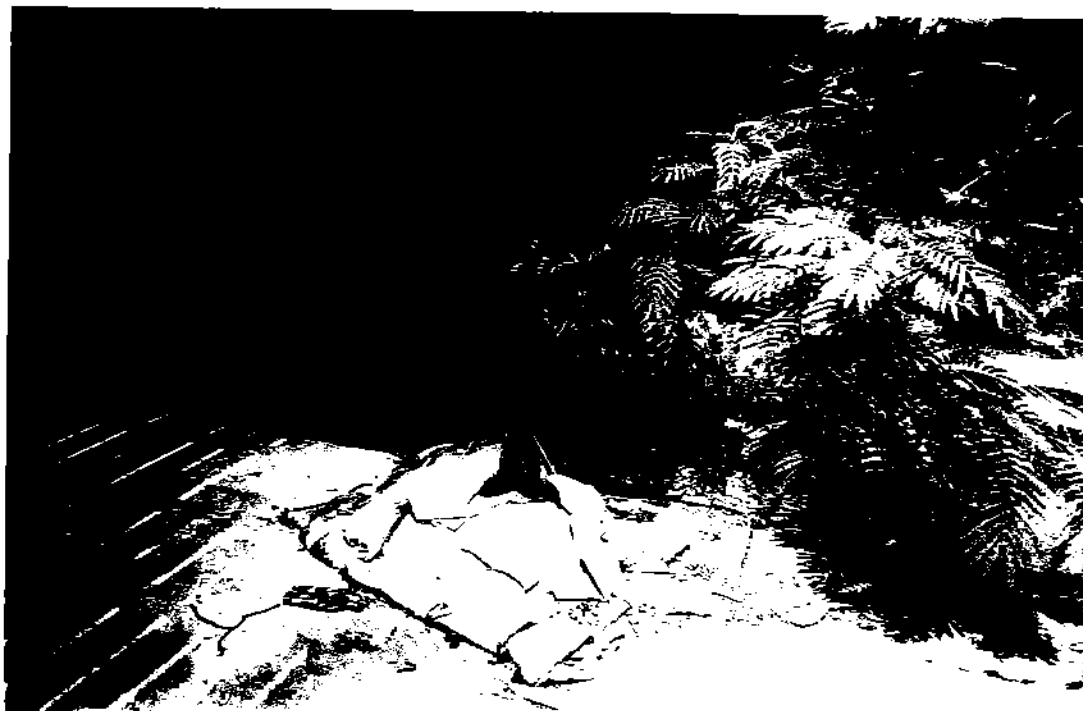


Photo # 19:



Photo # 20:

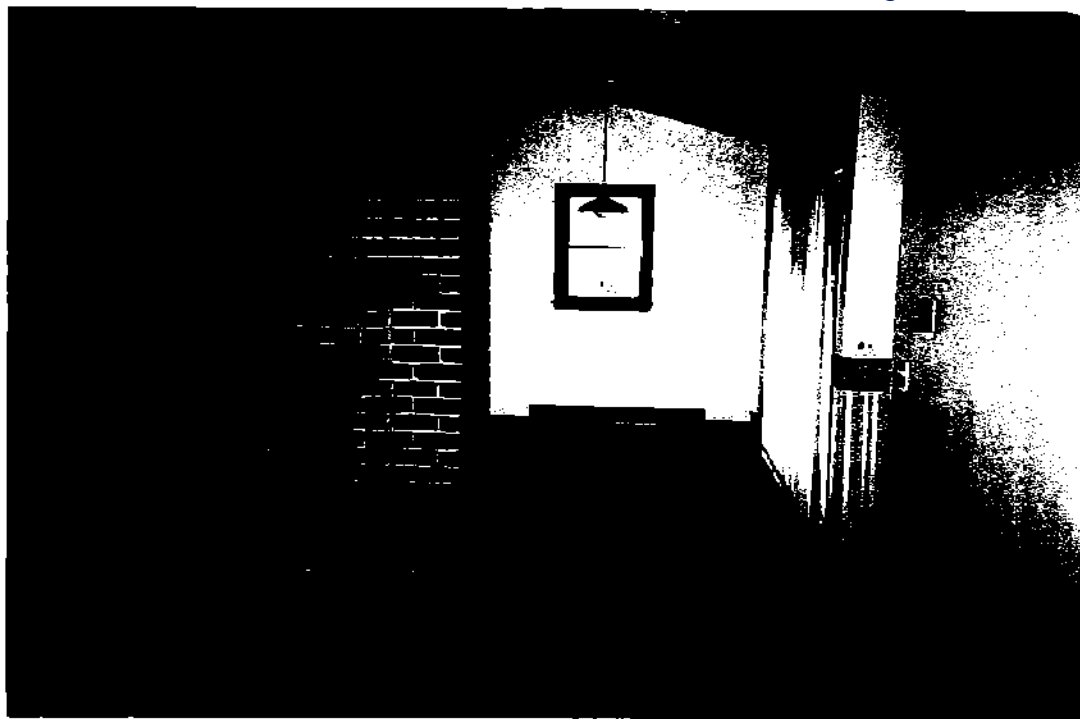


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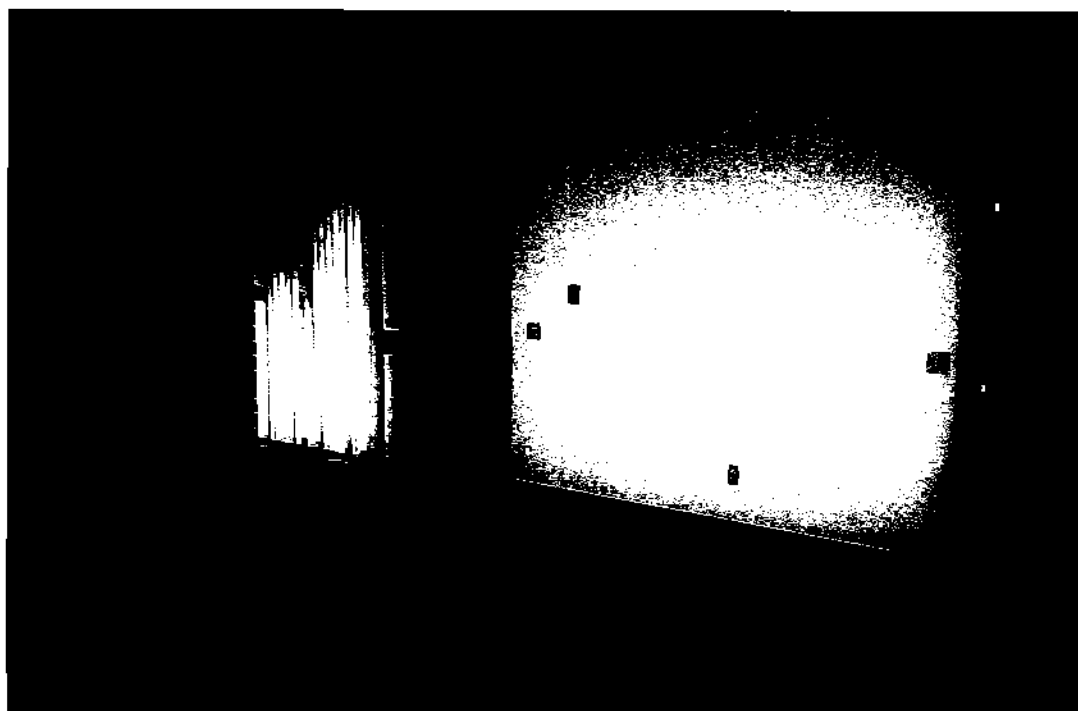


Photo # 22:



Photo # 23:

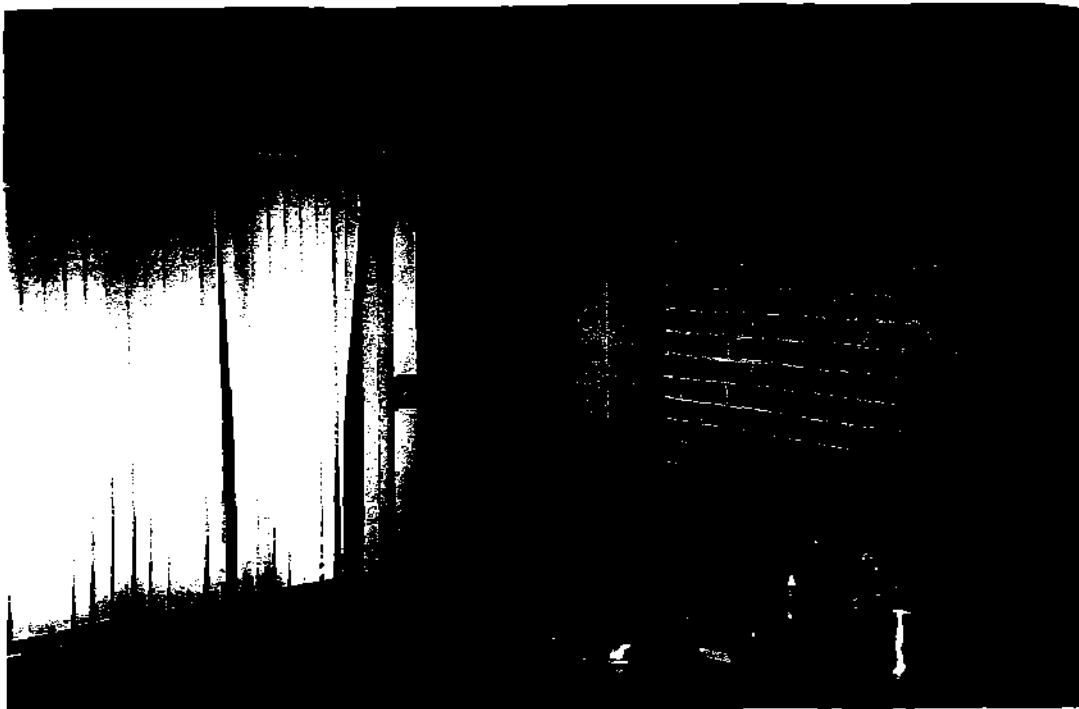


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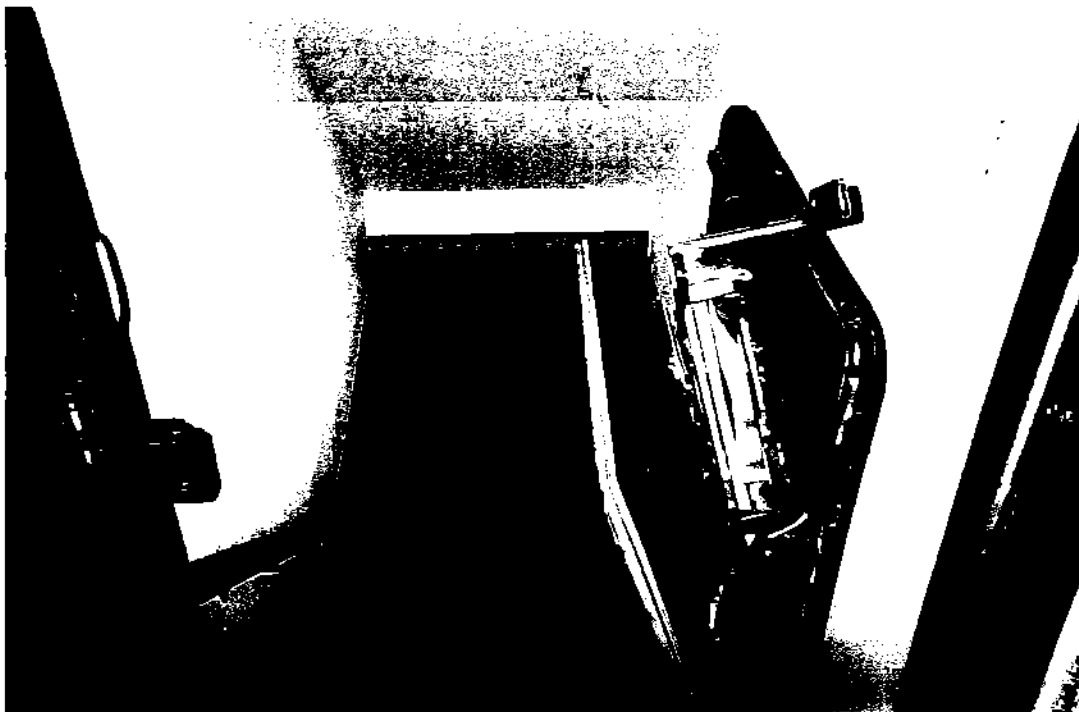


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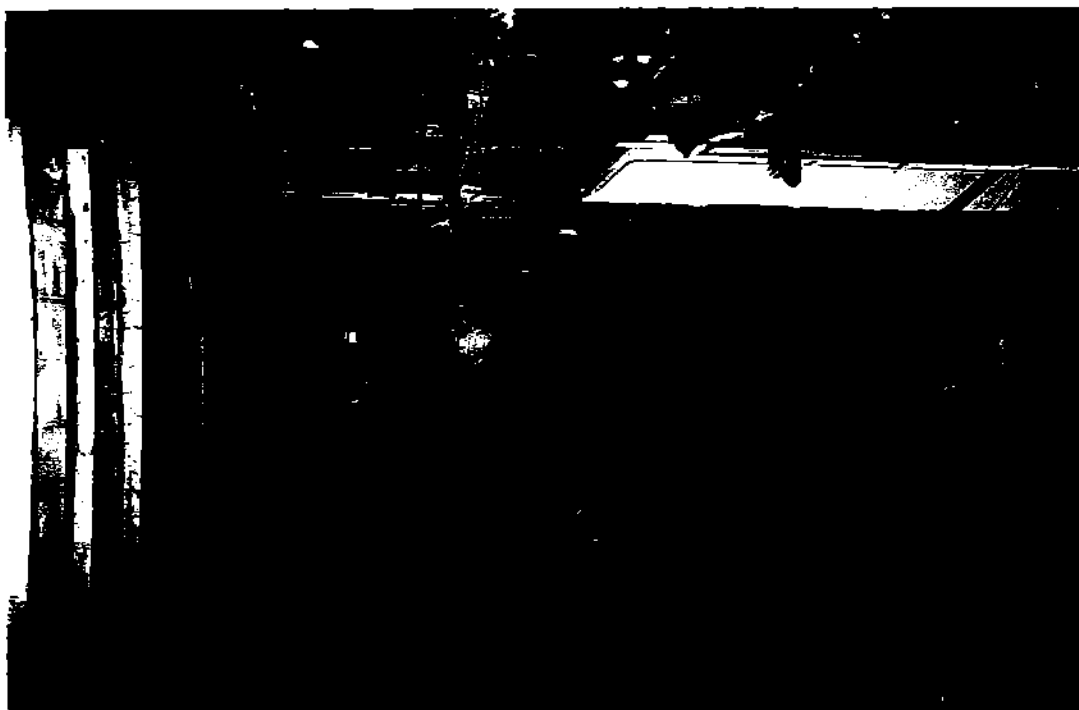


Photo # 26:



Photo # 27:



Photo # 28:



Photo # 29:



Photo # 30:

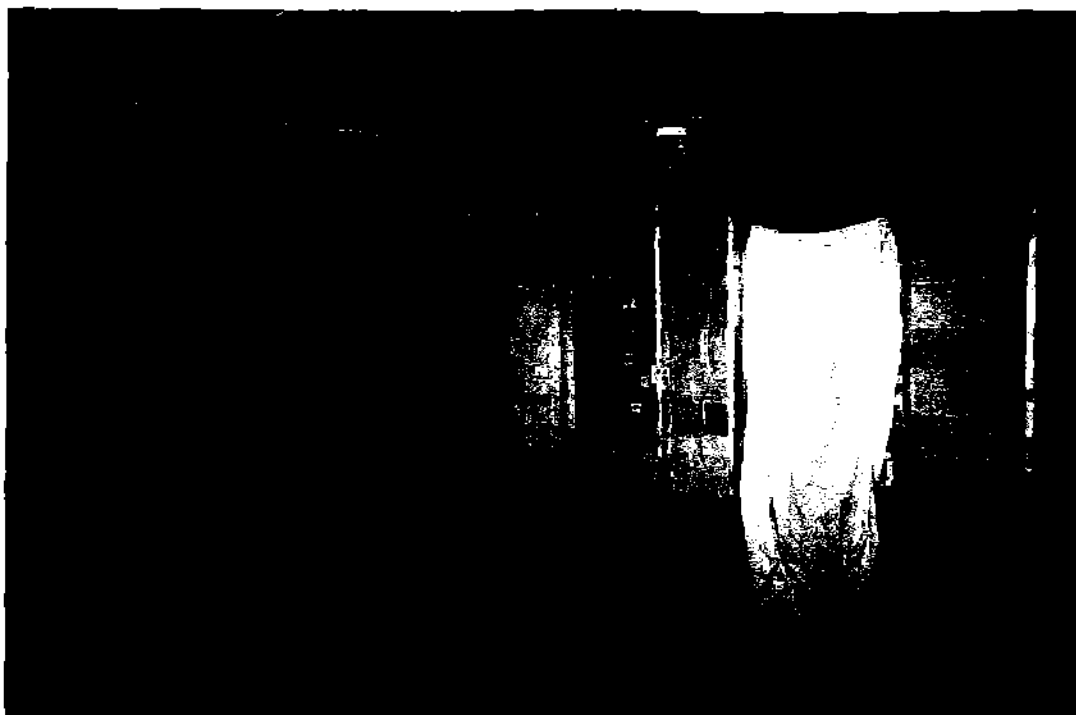


Photo # 31: This is a picture of the basement you will see in the foreground the electric junction box and part of the installation was removed the corner of the basement, if you are standing in front of the house that is the left side of the house



Photo # 32:



Photo # 33:



Photo # 34:



Photo # 35:



Photo #36



Photo # 37:

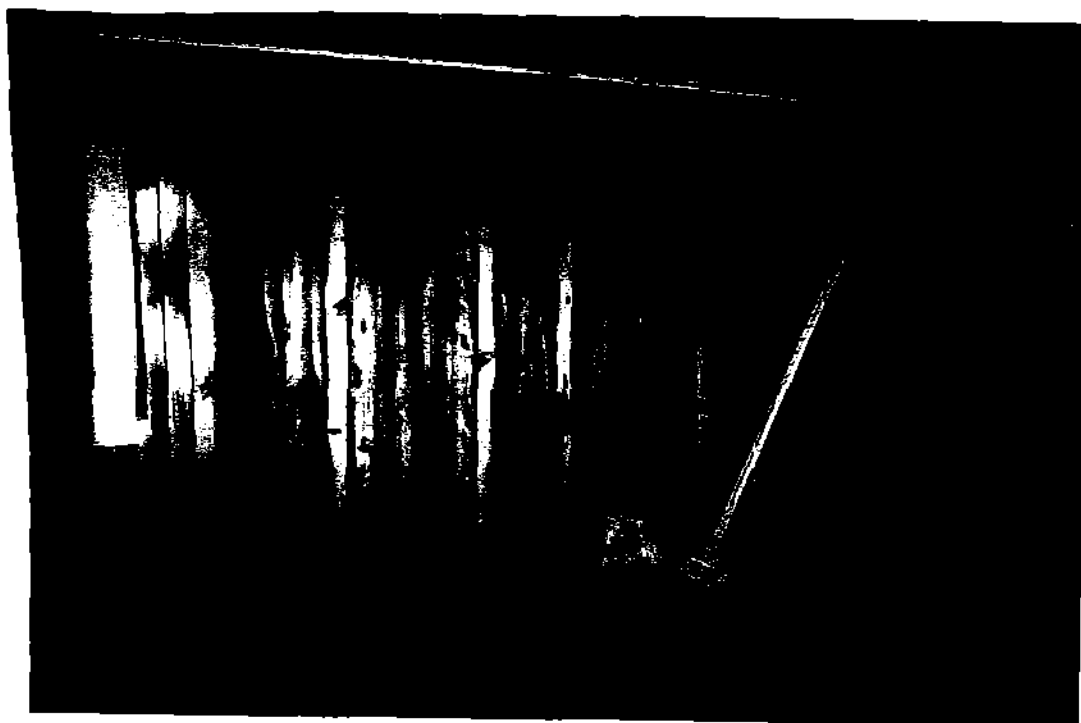


Photo # 38:



Photo # 39:

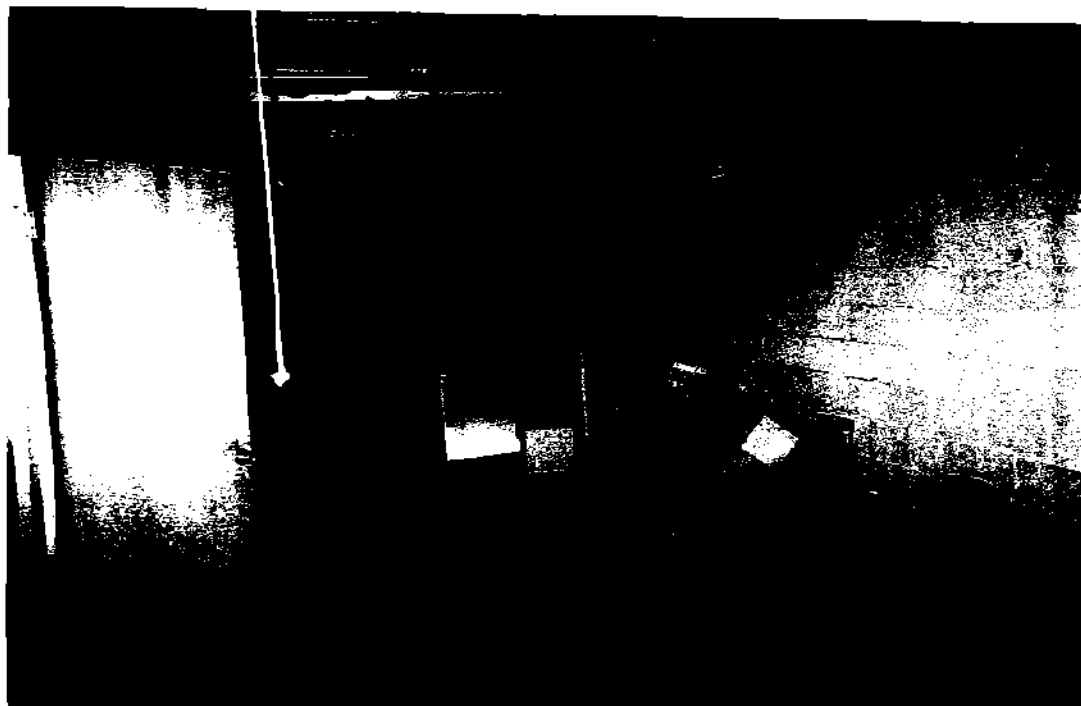


Photo # 40:

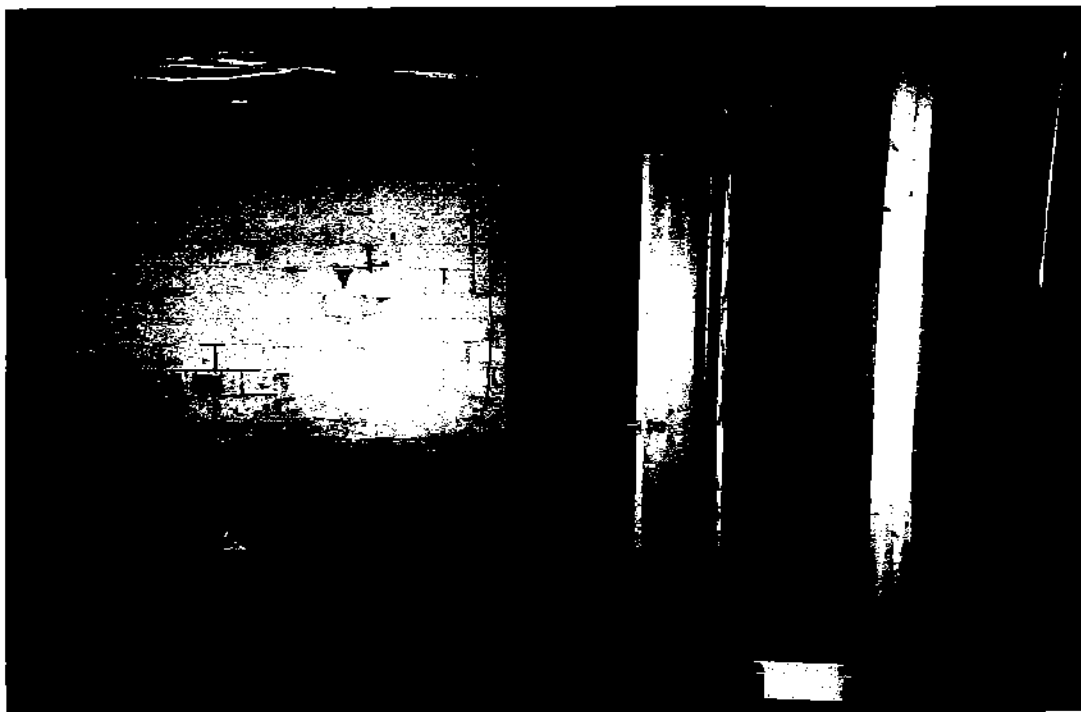


Photo # 41:



Photo # 42:



Photo # 43



Photo # 44:



Photo # 45:



Photo # 46:



Photo # 47:

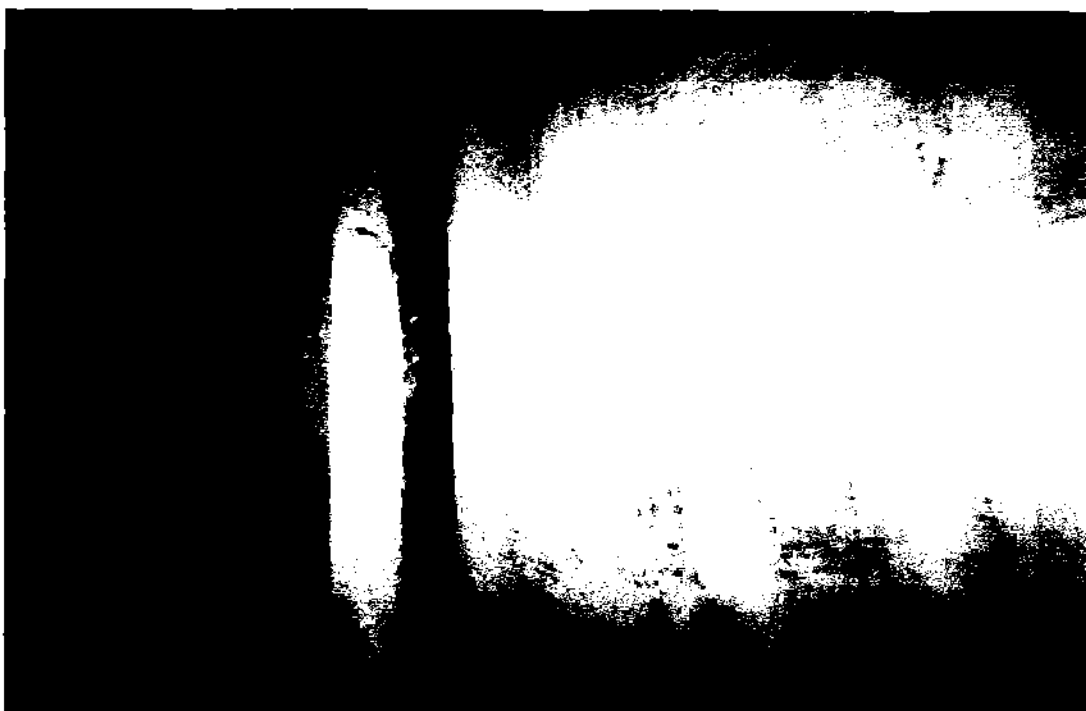


Photo # 48:



Photo # 49:



Photo # 50:

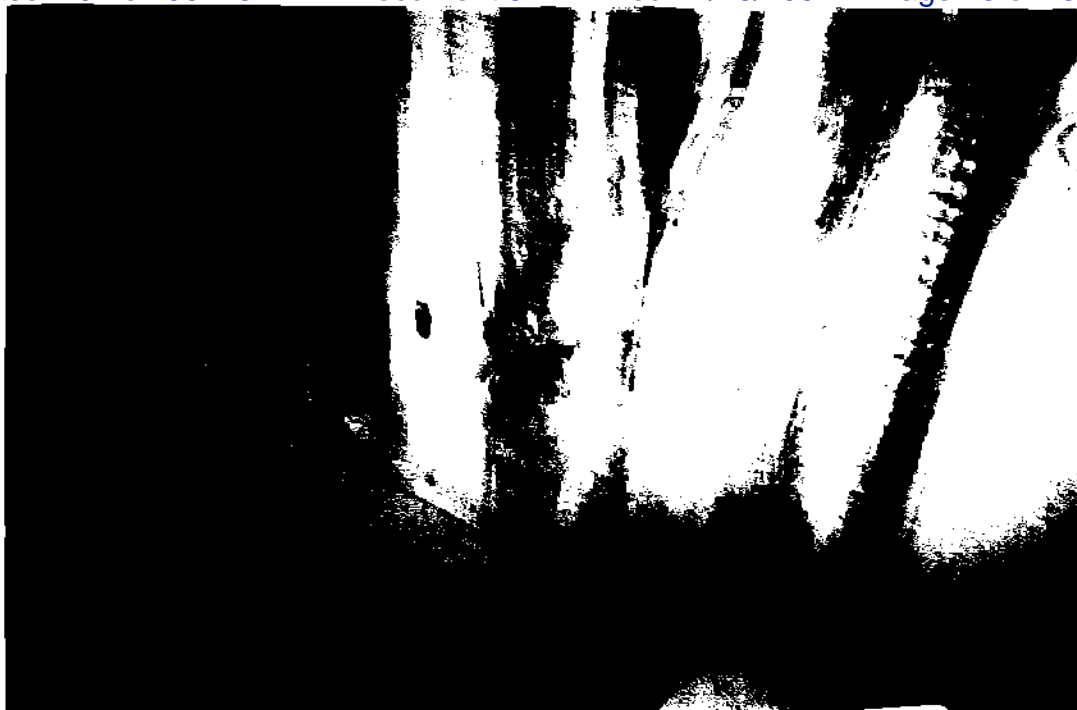


Photo # 51:



Photo # 52: